

Notice of Allowability

Application No.

09/864,000

Examiner

LaShonda T. Jacobs

Applicant(s)

AKI ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after final filed on September 14, 2007.
2. ☒ The allowed claim(s) is/are 2-5 and 7-10.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

LaShonda Jacobs

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Arik Ranson (Reg. No. 43,874) on October 10, 2007.

IN THE CLAIMS

Please cancel claims 6, 11 and 12 without prejudice or disclaimer.

Please amend claims 5, 9 and 10 as follows:

1. (Cancelled)
2. (Previously Presented) The computer-readable medium according to claim 5, wherein the monitoring policy includes a parameter that specifies how frequently the monitoring will be conducted.
3. (Previously Presented) The computer-readable medium according to claim 5, wherein the monitoring policy includes a parameter that specifies which object to monitor.
4. (Previously Presented) The computer-readable medium according to claim 5, wherein the monitoring policy includes a parameter that specifies which item to monitor.

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5. (Currently Amended) A computer-readable medium storing a program for monitoring activities on a network, the program causing a computer system to function as:

monitoring policy setting means for setting a monitoring policy;

monitoring means for monitoring the network according to the policy set in said monitoring policy setting means; and

monitoring policy changing means for automatically changing the current monitoring policy being set in said monitoring policy setting means, according to a monitoring result reported by said monitoring means,

wherein said monitoring policy changing means automatically increases the frequency of the monitoring and adds a new object or item to the coverage of the monitoring, when degradation in service level of the network is observed; and

wherein said monitoring policy changing means automatically decreases the frequency of the monitoring and withdraws an existing object or item from the coverage of the monitoring, when improvement in service level of the network is observed.

6. (Cancelled)

7. (Previously Presented) The computer-readable medium according to claim 5, further storing a program which causes the computer system to function as resource setup changing means for changing a setup of a predetermined set of resources on the network according to the monitoring result reported by said monitoring means.

8. (Previously Presented) The computer-readable medium according to claim 5, further storing a program which causes the computer system to function as event detecting means for detecting the occurrence of a particular event in a predetermined resource on the network,

wherein said monitoring policy changing means changes the current monitoring policy in response to the particular event detected by said event detecting means.

9. (Currently Amended) A network monitoring system which monitors activities on a network, comprising:

monitoring policy setting means for setting a monitoring policy;

monitoring means for monitoring the network according to the policy set in said monitoring policy setting means; and

monitoring policy changing means for automatically changing the current monitoring policy being set in said monitoring policy setting means, according to a monitoring result reported by said monitoring means,

wherein said monitoring policy changing means automatically increases the frequency of the monitoring and adds a new object or item to the coverage of the monitoring, when degradation in service level of the network is observed; and

wherein said monitoring policy changing means automatically decreases the frequency of the monitoring and withdraws an existing object or item from the coverage of the monitoring, when improvement in service level of the network is observed.

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10. (Currently Amended) A method of monitoring activities on a network, comprising the steps of:

- (a) setting a monitoring policy;
- (b) monitoring the network according to the set monitoring policy set at said step (a) of setting; and
- (c) automatically changing a current monitoring policy that is originally set by said setting a monitoring policy, ~~at said step (a) of setting~~ according to a monitoring result obtained at said monitoring;
- (d) automatically increasing the frequency of the monitoring and adding a new object or item to the coverage of the monitoring, when degradation in service level of the network is observed; and
- (e) automatically decreasing the frequency of the monitoring and withdrawing an existing object or item from the coverage of the monitoring, when improvement in service level of the network is observed.

11-12. (Cancelled)

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance: the closest prior art of record (Natarajan et al., U.S. Pat. No. 6,505,244) does not teach or suggest automatically increasing the frequency of the monitoring and adding a new object or item to the coverage of the monitoring, when degradation in service level of the network is observed and automatically decreasing the frequency of the monitoring and withdrawing an existing object or item from the coverage of the monitoring, when improvement in

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service level of the network is observed in combination with all elements of the independent claims as argued by the Applicants (see applicants response filed on 11/1/2004, 6/27/2005, 1/9/2006, 6/21/2006, 8/25/2006, 3/18/2007, and 9/14/2007 and pages 29-36 of Applicants' enabling portions of the specification). So as indicated by the above statements, Applicants' arguments have been considered persuasive, in light of the claim limitations as well as the enabling portions of the specification.

3. The dependent claims further limit the independent claims and are considered allowable on the same basis as the independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statements of Reasons for Allowance."

4. Claims 2-5 and 7-10 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LaShonda T Jacobs
Examiner
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ltj
October 12, 2007

A handwritten signature in cursive script, reading "LaShonda Jacobs", written in black ink.